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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 29-08-2005

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WRIT PETITION No.18936 OF 2005

BETWEEN:

B.S.Kasaiah . . .Petitioner

And

The Regional Manager, APSRTC, and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.18936 OF 2005

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ORDER:

The petitioner is employed as a Conductor in APSRTC. He was issued a charge sheet dated 31-10-2002 alleging that tickets worth Rs.17,400/- were not accounted for by him and he was required to show cause as to why the value of the tickets, be not recovered from him. The petitioner submitted his explanation on 06-12-2002. Thereafter, the second respondent issued a show cause notice dated 12-12-2002. On the ground that the petitioner did not submit any valid explanation, the second respondent passed an order dated 18-01-2003 directing for recovery of a sum of Rs.17,400/- from the salary of the petitioner in 36 instalments. Petitioner challenges the same.

Sri S.M.Subhan, the learned counsel for the petitioner, submits that it was not even the allegation of the Corporation that the petitioner had misused the tickets referred to in the notice and the Service Rules clearly provided for recovery of printing and stationery charges alone, where any loss of tickets is found from a Conductor. He also placed reliance upon the judgment of this Court in **CH.P.REDDY v. APSRTC, HYDERABAD.**

Sri P.Vinayaka Swamy, the learned Standing Counsel appearing for the respondents, on the other hand, submits that on account of the loss of ticket blocks in the hands of the petitioner, the Corporation had sustained huge loss and it is not known as to whether the lost tickets have been used in any bus service.

The only allegation against the petitioner was that the tickets worth Rs.17,400/- were lost in his hands. It was not alleged that he misused them or that the tickets have been put to use in other service. The Operation Manual as well as the Office Audit Manual of the Corporation indicate that in the event of loss of tickets, the value thereof need not be recovered from the Conductors, and at the most, the printing and stationery charges can be recovered. In **CH.P.REDDY's case** (supra)**,** this Court dealt with an identical situation and after taking into account the various provisions having a bearing on the matter, it was held that it is only the printing and stationery charges that can be recovered in the event of loss of tickets, not followed by any further allegation of misuse.

Following the same, the writ petition is allowed and the impugned order is set aside. It is, however, left open to the respondents to recover the printing and stationery charges from the petitioner for the tickets that were lost in his hands. It is represented that certain amount has already been recovered from the petitioner. The same shall be refunded to him after deducting the printing and stationery charges of the tickets.

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(L.NARASIMHA REDDY, J)

29th AUGUST, 2005.

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